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22 Attorneys for Plaintiffs PUMA SE and  
23 PUMA NORTH AMERICA, INC.

24 **UNITED STATES DISTRICT COURT**

25 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

26 PUMA SE, a German company; and  
27 PUMA NORTH AMERICA, INC., a  
28 Delaware corporation,

Plaintiffs,

v.

FOREVER 21, INC., a Delaware  
corporation,

Defendant.

CASE NO. 2:17-cv-02523-PSG-E

**DECLARATION OF MATTHEW J.  
BUSCH IN SUPPORT OF MOTION  
FOR PRELIMINARY INJUNCTION**

**DECLARATION OF MATTHEW J. BUSCH**

I, Matthew J. Busch, declare as follows:

1. I am an attorney at Venable LLP, counsel of record for Plaintiffs Puma SE and Puma North America, Inc. (collectively “Puma”) in the above-captioned action. Unless otherwise stated, matters referred to in this declaration are based on my personal knowledge, and, if called to testify as a witness, I could and would testify competently to the facts set forth herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of Rihanna’s twitter page available at [https://twitter.com/rihanna?ref\\_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwg%5Eauthor](https://twitter.com/rihanna?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwg%5Eauthor) that I last accessed on March 30, 2017. As of April 5, 2017, Rihanna has amassed a total of 70.8 million Twitter followers.

3. Attached hereto as **Exhibit B** is a true and correct copy of Forever 21’s website available at <http://www.forever21.com/Company/About.aspx?br=f21> that I last accessed on April 3, 2017.

4. Attached hereto as **Exhibit C** is a true and correct copy of an article entitled “Forever 21’s Fast (and Loose) Fashion Empire)” available at <https://www.bloomberg.com/news/articles/2011-01-20/forever-21s-fast-and-loose-fashion-empire> that I last accessed on April 3, 2017.

5. Attached hereto as **Exhibit D** is a true and correct copy of an article entitled “Forever 21 Sues Another Retailer for Copying” available at <http://www.thefashionlaw.com/home/forever-21-sues-another-retailer-for-copying> that I last accessed on April 3, 2017.

6. Attached hereto as **Exhibit E** is a true and correct copy of Docket No. 118 in the case *Anthropologie, Inc. v. Forever 21, Inc.* et al., No. 1:07-cv-7873 (RJS)(MHD).

7. Attached hereto as **Exhibit F** are true and correct copies of Defendant’s shoes in various colors found on Forever 21’s website available at

1 <http://www.forever21.com/> that I last accessed on April 4, 2017.

2 8. Attached hereto as **Exhibit G** is a true and correct screenshot of  
3 Defendant's "Yoki Faux Fur Slides" that are no longer for sale on the Forever 21  
4 website available at <http://www.forever21.com/>, that I last accessed on March 31,  
5 2017.

6 9. Attached hereto as **Exhibit H** is a true and correct screenshot of a  
7 comment posted to on Forever 21 website's regarding the Fenty Pumas, available  
8 at <http://www.forever21.com/> that I last accessed on April 3, 2017.

9 10. Attached hereto as **Exhibit I** is a true and correct screenshot of  
10 Forever 21's Pinterest board available at  
11 <https://www.pinterest.com/forever21/forever-21-step-it-up/> that I last accessed on  
12 March 31, 2017.

13 11. Attached hereto as **Exhibit J** is a true and correct copy of an article  
14 entitled "Fast Fashion" available at [http://www.thefashionlaw.com/learn/fast-](http://www.thefashionlaw.com/learn/fast-fashions-green-initiatives-dont-believe-the-hype)  
15 [fashions-green-initiatives-dont-believe-the-hype](http://www.thefashionlaw.com/learn/fast-fashions-green-initiatives-dont-believe-the-hype) that I last accessed on April 4,  
16 2017.

17 12. Attached hereto as **Exhibit K** is a true and correct copy of an article  
18 entitled "Rihanna Releases Brand New Puma Camouflage Creepers" available at  
19 [http://hollywoodlife.com/2016/07/28/rihanna-puma-creeper-camouflage-sneaker-](http://hollywoodlife.com/2016/07/28/rihanna-puma-creeper-camouflage-sneaker-release-camo-pics/)  
20 [release-camo-pics/](http://hollywoodlife.com/2016/07/28/rihanna-puma-creeper-camouflage-sneaker-release-camo-pics/) that I last accessed on April 4, 2017.

21 13. Attached hereto as **Exhibit L** is a true and correct copy of an article  
22 entitled "Forever 21 Accused of Copying Rihanna's Fenty x Puma Bow Slides"  
23 available at [http://www.teenvogue.com/story/forever-21-rihanna-fenty-puma-bow-](http://www.teenvogue.com/story/forever-21-rihanna-fenty-puma-bow-slides-copy)  
24 [slides-copy](http://www.teenvogue.com/story/forever-21-rihanna-fenty-puma-bow-slides-copy) that I last visited on April 3, 2017 and a true and correct copy of an  
25 article entitled "Forever 21 Has Been Accused Of Ripping Off Rihanna And That's  
26 Pretty Much Exactly What Happened" available at  
27 [http://www.elle.com.au/news/fashion-news/2017/3/forever-21-rihanna-fenty-x-](http://www.elle.com.au/news/fashion-news/2017/3/forever-21-rihanna-fenty-x-puma-bow-slides/)  
28 [puma-bow-slides/](http://www.elle.com.au/news/fashion-news/2017/3/forever-21-rihanna-fenty-x-puma-bow-slides/) that I last visited on April 10, 2017.

14. Attached hereto as **Exhibit M** is a true and correct copy of the High Court of Düsseldorf’s order enjoining Top Shop from selling knock offs of the Puma “Creeper,” “Fur Slide,” and “Bow Slide,” including a certified German-to-English translation of the same.

15. Attached hereto as **Exhibit N** are true and correct screenshots of items available for purchase on <https://www.google.com> that I last visited on April 3, 2017.


16. Attached hereto as **Exhibit O** are true and correct screenshots of Fenty Bow Slides available for purchase at <http://shop.nordstrom.com/s/puma-fenty-by-rihanna-bow-slide-women/4619721> that I last visited on April 5, 2017.

17. Puma provided notice of this Motion to Forever 21’s General Counsel via electronic mail and first class mail on March 31, 2017. Thereafter, on April 4, 2017, prior to the filing of this Motion, counsel for Puma and Forever 21’s General Counsel spoke telephonically about, among other things, this Motion. During this discussion, Defendant’s General Counsel refused to agree to refrain from releasing knock offs in the wake of Puma’s upcoming shoe releases.

18. On April 5, 2017, Forever 21 sent a follow up email declining to remove any knock off shoes and reserving the rights to “re-order or restock” Product Nos. 200084536 (Forever 21’s “Satin Bow Slides”) and 2000268434 (Forever 21’s “Yoki Faux Suede Platform Sneakers”). Attached hereto as **Exhibit P** are true and correct copies of email correspondence between counsel for Puma and Forever 21.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of April, 2017 in Los Angeles, California.

  
 Matthew J. Busch